

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3203 of 2024

In
Miscellaneous Appeal No.564 of 2018

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Nitesh Kumar Rai, son of Late Jagdish Rai, R/o- village- Piparadh, P.O.-
Hethua, P.S.- Rajpur, District- Buxar (Bihar), Pin Code- 802122.

... .. Petitioner.

Versus

Rekha Devi, D/o Madhav Rai, R/o - village- Dhanachua, P.O. and P.S. -
Chaveri, District- Bhojpur.

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Subroteshwar De, Advocate.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 18-02-2025

Heard the present M.J.C. No.3203 of 2024.

2. Advocate-on-Record-Mr. Santosh Kumar has not given 'No Objection' before filing the present M.J.C. No.3203 of 2024. In Miscellaneous Appeal No.564 of 2018, he failed to appear and suffered an order of its dismissal for non-prosecution. Therefore, he was the proper Advocate to furnish explanation. At least, he should have given 'No Objection' and the same is not forthcoming. Such practice is deprecated. However, in the interest of the petitioner, we are compelled to ignore the same. It was bounden duty of the Advocate-on-Record in the present case to secure 'No Objection' from the Advocate-on-Record, in particularly, where Miscellaneous



Appeal is dismissed for non-prosecution. Due to deficiency of service on behalf of Advocate-on-Record, petitioner shall not be punished. Therefore, we are compelled to allow the present M.J.C. No.3203 of 2024 for the reasons stated in the present M.J.C. No.3203 of 2024 read with the affidavit and I.A. No.1 of 2025 filed for condonation of delay.

3. Accordingly, Miscellaneous Appeal No.564 of 2018 is restored on the file.

4. Registry is requested to list Miscellaneous Appeal No.564 of 2018 before the concerned Roster Bench at the earliest.

5. The present M.J.C. No.3203 of 2024 is allowed with cost of Rs.5000/-(Rupees Five Thousand). Cost shall be remitted in the Lawyers’ Association Welfare Benevolent Fund having Bank Account No.7801893276, IFSC Code-IDIB000L501.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2025.
Transmission Date	NA

